

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN RE

JOSEPH ALLEN HARTLEY.
RACHEL KAY HARTLEY

Debtors.

Case No. BK15-80898

Chapter 7

Honorable Thomas L. Saladino

**TRUSTEE'S AMENDED MOTION TO AUTHORIZE INTERIM DISTRIBUTION
INCLUDING COMPENSATION FOR TRUSTEE AND NOTICE OF
OBJECTION/RESISTANCE DATE**

COMES NOW Richard D. Myers, the duly elected, acting and qualified Trustee herein, and moves the Court for an Order authorizing him to distribute funds to creditors on an interim basis as follows:

1. Trustee is the duly appointed, qualified and acting Chapter 7 Trustee in this case.
2. As of the date of the dictation of this Motion, Trustee holds the sum of \$1,482,036.49 in the bankruptcy's account but the Trustee has previously distributed funds, for administrative expenses and in payment of the pre-petition claims of the Internal Revenue Service as authorized by the compromise agreement between the estate and the debtor (See Filings 195 and 181) and to Fraser Stryker, PC, LLO (See Filings 158 and 164). Based upon the fact that the remaining asset of the estate is pending litigation in another jurisdiction, which may not be concluded for an extended period, and rather than delay distribution to creditors, Trustee proposes to distribute \$1,000,000.00 as an interim distribution at the current time pursuant to the attached proposed distribution schedule, which is attached hereto, marked Exhibit "A", and by this reference made a part hereof. Trustee has reserved \$648,185.14 which represents the pro-rata share of the \$1,000,000.00 interim distribution which would otherwise be due to Independence Bank (not proposed to be distributed here due to pending litigation) for their claims filed herein as Claim Nos. 9 and 10.
3. Based on such distribution, Trustee seeks authority to pay himself a commission of \$58,814.25, representing twenty-five percent of the first \$5,000.00, ten percent of the next \$45,000.00 and five percent of the next \$950,000.00, and three percent of the amounts, if any, in excess of \$1,000,000.00, which have been or are now being distributed and seeks reimbursement of expenses to date in the amount of \$511.50.

The last day to object or resist this pleading is: February 19, 2018.

Objections or resistances must be filed with the United States Bankruptcy Court before the last objection/resistance date as set forth above. Such objection or resistance shall set forth the specific factual and legal basis for the objection/resistance and conclude with a particular request for relief. If an objection/resistance is filed without the specific factual and legal basis included, the matter will be submitted to the Judge without hearing.

If the objection period expires without the filing of any objection/resistance, the Court will consider entering an order granting relief by the undersigned sought, without further hearing.

If an objection or resistance is properly and timely filed, the Court will set the matter for a hearing in the Courtroom or by telephone.

WHEREFORE, Trustee prays for an Order authorizing the Trustee to make the distribution to creditors as set forth in the attached exhibit.

DATED this 29th day of January, 2018.

By: /s/ Richard D. Myers

Richard D. Myers, Trustee #13000
McGill, Gotsdiner, Workman
& Lepp, P.C., L.L.O.
11404 West Dodge Road, Suite 500
Omaha, NE 68154-2584
402-492-9200
402-492-9222 (Facsimile)
RDM@mgwl.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 29th day of January, 2018, I electronically filed the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the non-CM/ECF participants listed on the current matrix.

/s/ Diane M. Wilson

Assistant to Richard D. Myers

Proposed Distribution

Page 1 of 2

Case Number: 15-81898-TLS

Date: January 29, 2018

Debtor Name: Joseph Allen Hartley

PROPOSED DISTRIBUTION

Claim #	Payee Name	Class	Priority	Amount	Paid To Date	Claim Balance	Proposed Pymt	Funds Remaining
Beginning Balance								\$199,579.48
	RICHARD D. MYERS 11404 W. Dodge Rd., Suite 500 Omaha, NE 68154-2584	Administrative	100	\$58,814.25	\$0.00	\$58,814.25	\$58,814.25	\$140,765.23
	RICHARD D. MYERS 11404 W. Dodge Rd., Suite 500 Omaha, NE 68154-2584	Administrative	100	\$511.50	\$0.00	\$511.50	\$511.50	\$140,253.73
adm-1	FRANKEL ZACHARIA LLC Suite 700 11404 W. Dodge St. Omaha, NE 68154-2576	Administrative	100	\$1,653.00	\$1,653.00	\$0.00	\$0.00	\$140,253.73
adm-3	FRANKEL ZACHARIA LLC Suite 700 11404 W. Dodge St. Omaha, NE 68154-2576	Administrative	100	\$822.25	\$822.25	\$0.00	\$0.00	\$140,253.73
admin 7	Abrahams Kaslow & Cassman LLP 8712 West Dodge Rd., Suite 300 Omaha, NE 68114	Administrative	100	\$4,918.33	\$0.00	\$4,918.33	\$4,918.33	\$135,335.40
admin4	Dvorak Law Group 13625 California Street, Suite 110 Omaha, NE 68154	Administrative	100	\$890.50	\$0.00	\$890.50	\$890.50	\$134,444.90
admin5	MCGILL, GOTSCHNER, WORKMAN & LEPP, 11404 W. Dodge Suite 500 Omaha, NE 68154	Administrative	100	\$4,880.00	\$4,880.00	\$0.00	\$0.00	\$134,444.90
admin6	MCGILL, GOTSCHNER, WORKMAN & LEPP, 11404 W. Dodge Suite 500 Omaha, NE 68154	Administrative	100	\$101.74	\$101.74	\$0.00	\$0.00	\$134,444.90
adm-2	Fraser Stryker Pc Llo 500 Energy Plaza 409 South 17Th St Omaha, Ne 68102	Administrative	150	\$80,187.50	\$80,187.50	\$0.00	\$0.00	\$134,444.90
adm-2a	Fraser Stryker Pc Llo 500 Energy Plaza 409 South 17Th St Omaha, Ne 68102	Administrative	150	\$13,011.16	\$13,011.16	\$0.00	\$0.00	\$134,444.90
Subtotals for Class Administrative 100.00%				\$165,790.23	\$100,655.65	\$65,134.58	\$65,134.58	
7	INTERNAL REVENUE SERVICE c/o Patrick Ellsworth ATAT Revenue Officer 1616 Capital Ave Suite 440 Omaha, NE 68102	Priority	280	\$884,852.75	\$884,852.75	\$0.00	\$0.00	\$134,444.90
Subtotals for Class Priority 100.00%				\$884,852.75	\$884,852.75	\$0.00	\$0.00	
3	First Hawaiian Bank C/O Brandon R. Tomjack 1700 Farnam Street, Suite 1500 Omaha, Ne 68102	Unsecured	300	\$46,702.15	\$0.00	\$46,702.15	\$8,011.17	\$126,433.73
4	First Hawaiian Bank C/O Brandon R. Tomjack 1700 Farnam Street, Suite 1500 Omaha, Ne 68102	Unsecured	300	\$105,533.23	\$0.00	\$105,533.23	\$18,102.91	\$108,330.82

EXHIBIT

A

Date Printed 1/29/2018 12:01:17 PM

Proposed Distribution

Page 2 of 2

Case Number: 15-81898-TLS

Date: January 29, 2018

Debtor Name: Joseph Allen Hartley

PROPOSED DISTRIBUTION

Claim #	Payee Name	Class	Priority	Amount	Paid To Date	Claim Balance	Proposed Pymt	Funds Remaining
5	AMERICAN EXPRESS BANK FSB c/o Becket and Lee LLP POB 3001 Malvern, PA 19355-0701	Unsecured	300	\$44,831.25	\$0.00	\$44,831.25	\$7,690.24	\$100,640.58
6	AMERICAN EXPRESS BANK FSB c/o Becket and Lee LLP POB 3001 Malvern, PA 19355-0701	Unsecured	300	\$8,281.00	\$0.00	\$8,281.00	\$1,420.50	\$99,220.08
8	Commonwealth Development Authority (Cda) CDA Building, Oleai PO Box 502149 Saipan 96950-2149	Unsecured	300	\$526,879.38	\$0.00	\$526,879.38	\$90,379.60	\$8,840.48
11	SYNCHRONY BANK c/o Recovery Management Systems Corp 25 SE 2nd Ave Suite 1120 Miami, FL 33131-1605	Unsecured	300	\$886.56	\$0.00	\$886.56	\$152.08	\$8,688.40
13	Fraser Stryker Pc Llo 500 Energy Plaza 409 South 17Th St Omaha, Ne 68102	Unsecured	300	\$50,650.08	\$0.00	\$50,650.08	\$8,688.40	\$0.00
9	Independence Bank Robert S. Catanzaro, CEO 1370 South County Trail East Greenwich RI 02818	Unsecured	310	\$862,645.97	\$0.00	\$862,645.97	\$0.00	\$0.00
10	Independence Bank Robert S. Catanzaro, CEO 1370 South County Trail East Greenwich RI 02818	Unsecured	310	\$1,106,813.57	\$0.00	\$1,106,813.57	\$0.00	\$0.00
Subtotals for Class Unsecured 4.88%				\$2,753,223.19	\$0.00	\$2,753,223.19	\$134,444.90	
1	Mutual Of Omaha Bank Law Operation, Bldg 1, 3Rd Floor Omaha, Ne 68175	Secured	400	\$54,983.24	\$0.00	\$54,983.24	\$0.00	\$0.00
2	Us Bank Na (Sec 410) C/O U.S. Bank Home Mortgage A Division Of Us Bank Na 4801 Frederica St Owensboro, Ky 42301	Secured	400	\$186,918.52	\$0.00	\$186,918.52	\$0.00	\$0.00
12	U.S. Bank National Association C/O U.S. Bank Home Mortgage A Division Of U.S. Bank Na 4801 Frederica Street Owensboro, Kentucky 42301	Secured	400	\$129,053.46	\$0.00	\$129,053.46	\$0.00	\$0.00
Subtotals for Class Secured 0.00%				\$370,955.22	\$0.00	\$370,955.22	\$0.00	
Totals				\$4,174,821.39	\$985,508.40	\$3,189,312.99	\$199,579.48	\$0.00

Proposed distribution is dependent on the Court's rulings on administrative expenses, contest of claims, and/or objections made to this proposed distribution.